

## Surface Transportation Board, DOT

## § 1185.6

under 49 U.S.C. 11322(a) or a petition for exemption under 49 U.S.C. 10505 for authority for this type of interlocking arrangement must be filed.

[53 FR 39097, Oct. 5, 1988; 53 FR 40068, Oct. 13, 1988, as amended at 56 FR 18533, Apr. 23, 1991]

### § 1185.2 Meaning of term “carrier.”

The term “carrier” is used in this part as it is defined in 49 U.S.C. 11301(a)(1).

[32 FR 20095, Dec. 20, 1967. Redesignated and amended at 47 FR 49595, Nov. 1, 1982. Redesignated at 53 FR 39097, Oct. 5, 1988]

### § 1185.3 Application of regulations.

The regulations in this part apply to any person authorized by or undertaking for each of two or more class I rail carriers to perform the duties, or any of the duties, ordinarily performed by a director, president, vice president, secretary, treasurer, general counsel, general solicitor, general attorney, comptroller, general auditor, general manager, freight traffic manager, passenger traffic manager, chief engineer, general superintendent, general land and tax agent, or chief purchasing agent of a carrier.

[53 FR 39097, Oct. 5, 1988]

### § 1185.4 Authorization.

Authorization will be granted only upon application as provided in this part.

[47 FR 49595, Nov. 1, 1982. Redesignated at 53 FR 39097, Oct. 5, 1988]

### § 1185.5 Application for order.

An application for such authorization may be made by any person in his own behalf.

[32 FR 20095, Dec. 20, 1967. Redesignated and amended at 47 FR 49595, Nov. 1, 1982. Redesignated at 53 FR 39097, Oct. 5, 1988]

### § 1185.6 Contents of application.

Each application shall state the following:

(a) The full name, occupation, business address, place of residence, and postoffice address of the applicant.

(b) A specification of every carrier of which the applicant holds stock, bonds, or notes, individually, as trustee, or otherwise; and the amount of and accu-

rately describe the securities, owned or held by him, of each carrier for which he seeks authority to act. Whenever it is contemplated that the applicant will represent on the board of directors of any carrier securities other than those owned by him, the application shall describe such securities, state the character of representation, the name of the beneficial owner or owners, and the general nature of the business conducted by such owner or owners.

(c) Each and every position with any carrier:

Which is held by the applicant at the time of the application; and which he seeks authority to hold, together with the date and manner of his election or appointment thereto and, if he has entered upon the performance of his duties in any such position, the nature of the duties so performed and the date when he first entered upon their performance. (A decision authorizing a person to hold the position of director of a carrier will be construed as sufficient to authorize him to serve also as chairman of its board of directors or as a member or chairman of any committee or committees of such board; and, therefore, when authority is sought to hold the position of director, the applicant need not request authority to serve in any of such other capacities.)

(d) As to each carrier covered by the requested authorization, whether it is an operating carrier, a lessor company, or any other corporation organized for the purpose of engaging in transportation by railroad subject to the act. If any such carrier neither operates nor owns any railroad, transportation by which is subject to the act, there shall be filed with the application, as a part thereof, a copy of such carrier's charter or certificate or articles of incorporation, with amendments to date. When such copy has once been filed with the Commission, reference thereto, with amendments, if any, will suffice.

(e) Thereafter a full statement of pertinent facts relative to any carrier which does not make annual reports to the Commission, authorization for a position with which is sought.

(f) Full information as to the relationship, operating, financial, competitive, or otherwise, existing between the